

CITY OF VERONA
MINUTES
COMMON COUNCIL
May 26, 2020
Verona City Hall

Due to the COVID-19 pandemic, the Verona Common Council held its meeting as a virtual meeting. The Common Council did not meet at City Hall, 111 Lincoln Street. Members of the Common Council and Staff joined the meeting by using Zoom Webinar. Members of the public were able to join the meeting using Zoom Webinar via a computer, tablet, or smartphone, or by calling into the meeting via phone.

1. Mayor Diaz called the meeting to order at 7:01 p.m.
2. Roll call: Alderpersons Kate Cronin, Charlotte Jerney, Chad Kemp, Katie Kohl, Christine Posey, Heather Reekie, Charlie Ryan and Evan Touchett were present. Also present: City Administrator Adam Sayre; City Engineer Carla Fischer; Police Chief Bernie Coughlin; Public Works Director Theran Jacobson; City Attorney Bryan Kleinmaier; and City Clerk Ellen Clark.
3. Public Comment: None
4. Approval of the minutes from the May 11, 2020 Common Council meeting. Motion by Kohl, seconded by Reekie, to approve the minutes of the May 11, 2020 Common Council meeting. Motion carried 8-0.
5. Mayor's Business:
 - A. Oath of Office for District 2 Alderperson
City Clerk Clark administered the Oath of Office for newly appointed District 2 Alderperson, Charlie Ryan.
 - B. Common Council committee member appointments
Mayor Diaz confirmed Charlie Ryan's appointment to the Public Works/Sewer & Water Committee – 1 year term expiring May 2021.

Motion by Touchett, seconded by Kohl, to approve the appointment of Charlie Ryan to the Public Works/Sewer & Water Committee. Motion carried 8-0.
 - C. Citizen committee member appointments
Mayor Diaz recommended the following citizen committee appointment:

Library Board:
Christopher Hopp – 3 year term expiring July 2023

Motion by Touchett, seconded by Kemp to approve the citizen member committee appointment as recommended by Mayor Diaz. Motion carried 8-0.
 - D. Sugar Creek Elementary School proposals
Mayor Diaz reminded the Council that the Sugar Creek Elementary School proposals

are available for viewing and asked for feedback. He advised everyone to view the proposals both on paper and on YouTube.

Touchett asked the reason for the timing of the decision regarding the Sugar Creek Elementary School project.

Diaz replied there are two things going on. One is the RFP due date being pushed back by the COVID-19 pandemic; the other is that the City and the developers want to get the project started as soon as possible after the City take possession of the property.

Kohl added that in order to compete for workforce housing tax credits through WHEDA and Dane County this year, developers must apply for them by June, and need appropriate time to file the applications.

Touchett stated he does not want to be rushed with this decision. It is a big deal for the City.

Kohl stated the Community Development Authority (CDA) has taken a lot of time on this project. Her hope is that the Council will trust CDA for having vetted the project thoroughly.

6. Announcements:

- Reekie reminded residents to be cognizant of social distancing guidelines when attending garage sales this summer, and asked them to please consider postponing or canceling garage sales.

7. Administrator's Report:

- A Plan Commission meeting will be held Monday, June 1st at 6:30 p.m.
- A CDA meeting will be held on Tuesday, June 2nd at 6 p.m. The work of the CDA at this meeting will be to try to come to a decision regarding the future of the Sugar Creek Elementary School property.
- Sayre encouraged the Council to watch the meeting on YouTube or watch the recordings of the CDA meetings. Some of the proposals include public spaces, as well as Tax Increment Financing requests, both of which require Council approval. Those proposals are also posted on the City's website.
- City Staff continues to monitor the COVID-19 situation and make adjustments as necessary. Today at 8 a.m. was the beginning of Phase 1 of the re-opening of Dane County. Staff is working very closely with Dane County regarding guidance for opening recreation programs and playgrounds. The library is also looking at ways to expand their services. There has been a lot of interest in curb-side pickup. Staff anticipates keeping city hall, the public works building and the Senior Center closed to the public for the next month. There has not been a demand from the public to open those buildings.

Reekie asked what input the Council will have if the CDA's choice for the Sugar Creek Elementary School property includes a pool.

Sayre replied the CDA will make a recommendation to the Common Council; it will not be signing off on a certain project. Scheduling a Committee of the Whole meeting to talk through the recommendation before it goes to the Common Council is also a possibility.

Diaz stated the Council will have a great deal of discretion regarding this project.

8. Engineer's Report:

- Well 6 Pumping Station Construction: Asphalt paving is expected in late May to June, depending on asphalt supply. The Wellhead Protection Plan has been approved by the DNR. Startup of the well is now expected the second week of June.
- Verona Area High School Construction Traffic Improvements: Surface asphalt paving has been completed on West Verona Avenue. West End Circle traffic will continue to be on the new lower lift of asphalt in the northbound/eastbound lanes for the next month or so. Road base placement has been completed along Wildcat Way and Stewart Woods Road, with curb and gutter, asphalt pavement and sidewalk items to continue. Work has begun on North and South Nine Mound Road.
- CTH PD Construction – Woods Road to CTH M: Eastbound and westbound traffic is now in the new eastbound lanes. Work is now being done on the westbound lanes and the storm sewer.
- Liberty Park Phase 4 Construction
Work has started on the north side of Whalen Road. The bike lane on the north side is scheduled for paving the week after Memorial Day.
- Kettle Creek North Phase 3
Work has started on this project. Sanitary sewer work is about 75% complete, and water main work will begin immediately after the sanitary sewer work is done.

9. Committee Reports

A. Public Safety and Welfare Committee

- (1) Discussion and Possible Action Re: A premises amendment request from Hop Haus Brewing Company, LLC, 231 S. Main Street, Verona, WI 53593. Motion by Reekie, seconded by Kohl, to approve a temporary premises description amendment for the liquor license of the Hop Haus Brewing Company, LLC to include the business's front parking lot, with the contingency that outside service will close at 10 p.m. Phil Hoechst has applied for a temporary premises description amendment for the liquor license of the Hop Haus Brewing Company, LLC to include the business's front parking lot. This will allow them to serve more customers, while adhering to required social distancing guidelines.

Posey asked about the parking plan.

Sayre replied the parking lot will be closed, similar to the setup used during the Hop Haus anniversary party and other special events held there.

Reekie stated there are excellent public parking lots to be utilized on both sides of the Hop Haus.

Motion carried 8-0.

B. Public Works/Sewer & Water Committee

- (1) Discussion and Possible Action Re: Land acquisition agreement at 419 Lincoln Street for Project ID 2018-108, Eastside Sanitary Sewer Interceptor Replacement. Motion by Touchett, seconded by Cronin, to approve a Land acquisition agreement at 419 Lincoln Street for Project ID 2018-108, Eastside Sanitary Sewer Interceptor Replacement, contingent on City Administrator and City Attorney review. This agreement with Ms. Schultz is for the purchase of two parcels adjacent to the Badger Mill Creek, east and south of Lincoln Street. The pursuit of the land was due to the need for additional easements for the replacement of the eastside sanitary sewer interceptor. Motion carried 8-0.
- (2) Discussion and Possible Action Re: Amendment No. 1 with Brown and Caldwell for Project 2018-114, Lincoln Street storm water management facility design. Motion by Touchett, seconded by Kemp, to approve Amendment No. 1 with Brown and Caldwell for Project 2018-114, Lincoln Street storm water management facility design. This amendment is to expand the scope of services under the original contract with Brown and Caldwell. Additional analyses and alternatives were requested to maximize the efficiency of the facility and minimize impacts. This amendment is in the amount of \$35,470, bringing the new contract amount to \$144,270. Motion carried 8-0.
- (3) Discussion and Possible Action Re: A professional services agreement with AECOM for Project 2018-114, Lincoln Street storm water management facility design. Motion by Touchett, seconded by Cronin, to approve a professional services agreement with AECOM for Project 2018-114, Lincoln Street storm water management facility design not to exceed \$65,080. This agreement with AECOM is to assist in the design for the Lincoln Street storm water management facility. Motion carried 8-0.

10. New Business

- A. Discussion and Possible Action Re: Payment of bills. Motion by Kemp, seconded by Cronin, to pay the bills in the amount of \$888,627.53. Motion carried 8-0.
- B. Discussion and Possible Action Re: Professional services agreement with McMahon Associates, Inc. Sayre explained the proposed agreement will provide management consulting services to assist in the transition of the Fire Chief. McMahon will assist the Fire Chief with Fire Department direction and the transition. Due to COVID-19, it is difficult to hire new Staff, including Fire Department Staff. Jeff Roemer, McMahon Associates, will be working with the Fire Chief to provide management services until the Fire Department is fully staffed. The proposed agreement is for three (3) months and can be extended if necessary. Staff recommends approval subject to final review by the City Attorney.

Jerney asked if the hours of service will be onsite or offsite.

Sayre replied it will be flexible, dependent on Chief Machotka's needs. The purpose of this contract is to give the Chief some support during this transition.

Cronin stated she is glad to see the City provide this support for Chief Machotka, and asked if Human Resources Coordinator, Mitch Weckerly, will also be helping the Chief with the transition. Because the City's financial future will be very tight, it would be difficult for her to support going beyond three months with this contract.

Sayre replied Mitch will be involved; however Roemer has experience with fire departments, versus Mitch, who has more experience with Human Resources. If the Council wants to stipulate that the contract should last no more than three months, they can do that. Jeff suggested three months, as in his experience that seems to be a sufficient amount of time to help with transition.

Motion by Kemp, seconded by Cronin, to approve a professional services agreement with McMahon Associates, Inc., with the contingency that the contract not go on more than three months, unless the item is returned to the Council for approval. On roll call: Alder Cronin – Aye; Alder Ryan – Aye; Alder Jerney – Aye; Alder Kohl – Aye; Alder Kemp – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye. Motion carried 8-0.

- C. Discussion and Possible Action Re: Annexation agreement with the Gust and Mork properties. Sayre explained in September of 2019, the City approved an annexation agreement with Veridian to annex the lands for the Woods at Cathedral Point Subdivision located at the southeast corner of Range Trail and County Highway M. Due to changes in the developer's acquisition plans, the existing property owners, Gust and Mork, are required to sign the agreement. Staff has no concerns with the changes and recommends approval subject to final review by the City Attorney. Veridian plans on starting this project sometime in June. Motion by Kohl, seconded by Kemp, to approve an annexation agreement with the Gust and Mork properties, subject to final review by the City Attorney. Motion carried 8-0.
- D. Discussion and Possible Action Re: Updated Ordinance No. 19-947 approving the annexation of 52.386 acres of land at the southeast corner of County Highway M and Range Trail. Sayre explained in September of 2019, the Common Council approved an annexation ordinance to annex land for the Woods at Cathedral Point Subdivision located at the southeast corner of Range Trail and County Highway M, subject to Veridian acquiring the property and the execution of an annexation agreement. Due to changes in the developer's acquisition plans, the acquisition condition can be removed. The execution of an annexation agreement will remain as a condition. Motion by Kohl, seconded by Jerney, to approve updated Ordinance No. 19-947 approving the annexation of 52.386 acres of land at the southeast corner of County Highway M and Range Trail. Motion carried 8-0.
- E. Discussion and Possible Action Re: Resolution No. R-20-018 extending the Declaration of Emergency in the City of Verona and the continuation of Joint Executive Authority. Sayre explained on April 13, 2020 the City adopted a Resolution declaring a State of Emergency. The State of Wisconsin's public health emergency declaration has lapsed or is about to lapse due to conditions beyond the City's control. The Resolution extending the State of Emergency will remain in effect until

July 15, 2020. The City's Resolution is not a Safer at Home Order, but allows the Mayor and City Administrator to have joint executive authority to implement measures necessary in response to the COVID-19 outbreak. Motion by Cronin, seconded by Jerney, to approve Resolution No. R-20-018 extending the Declaration of Emergency in the City of Verona and the continuation of Joint Executive Authority. Motion carried 8-0.

- F. Discussion and Possible Action Re: Resolution No. R-20-019 waiving interest and penalties on certain delinquent property tax installment payments due in 2020, as a result of COVID-19. Sayre explained on May 7, 2020 the Dane County Board adopted a Resolution authorizing all taxation districts in Dane County to waive interest and penalties on late property tax installment payments. The proposed City Resolution implements the authority granted by Dane County and waives all applicable penalties and interest on any installment payment of general property taxes payable in 2020 on property that is due and payable after April 1, 2020, so long as it is paid before October 1, 2020. Interest and penalties shall accrue from October 1, 2020 for any property taxes that are payable in 2020 that are delinquent after October 1, 2020.

Reekie asked if there is a possibility that there will be enough people taking advantage of this that it would leave the City without the funds to pay bills.

Sayre replied that will not be a problem.

Motion by Reekie, seconded by Kemp, to approve Resolution No. R-20-019 waiving interest and penalties on certain delinquent property tax installment payments due in 2020, as a result of COVID-19. Motion carried 8-0.

- G. Discussion and Possible Action Re: Resolution No. R-20-020 approving the release of development agreements with ANOREV and approving a tax agreement with D&D Verona, LLC. Sayre explained The City has entered into several development agreements with ANOREV, LLC related to the Technology Park in Tax Increment Financing District #6. In 2013, the City executed agreements for land divisions and tax agreements for the Wisconsin Brewing Company project located on American Way. These agreements contained terms and conditions that governed the lot that will be purchased by D&D Verona, LLC (KSW Construction) for their new office building. ANOREV and D&D Verona, LLC have requested the City release Lots 9 and 10 of the Verona Technology Park from the obligations of the 2013 agreement. Staff and the City Attorney have negotiated a mutual release agreement. As part of this release, D&D Verona, LLC has agreed to enter into a tax agreement with the City where the property will remain taxable for the life of TIDs 6 and 8. Staff recommends approval of the development agreement release and tax agreement subject to final review by the City Administrator and City Attorney. Motion by Cronin, seconded by Jerney, to approve Resolution No. R-20-020 approving the release of development agreements with ANOREV and approving a tax agreement with D&D Verona, LLC, subject to final review by the City Administrator and City Attorney. Motion carried 8-0.

- H. Discussion and Possible Action Re: Property use agreement with the Verona Area School District. Sayre explained in August of 2019, the City approved a conditional use permit for the Verona Area School District (VASD) to construct a monument sign for the new high school on City property located at the southeast corner of West Verona Avenue and West End Circle. One of the conditions of approval was the conditional use permit shall become effective upon the VASD and the City executing a Property Use Agreement. The draft Property Use Agreement is provided in the Council packet. Of importance, the sign will be constructed over an existing sanitary sewer pipe. The draft agreement requires the VASD to correct and pay for any damage to the City's pipe due to the installation or construction associated with the sign. The City is not liable for any damage to the sign during future maintenance of the existing sanitary sewer pipe. The term of the agreement is 30-years. The City and the VASD executed a development agreement related to public improvements associated with the new high school and Staff has had issues administering this development agreement. Staff cannot recommend approval of the sign agreement, located over City utilities, at this time until the City has a better understanding of how the City and VASD will work together under the development agreement related to the new high school. Without assurances on this issue and a commitment to work together, Staff cannot recommend the City enter into another agreement with the VASD to install a sign over City infrastructure.

Kleinmaier is now available to answer questions.

Kemp stated he approves of the recommendation from Staff. This is the prudent thing for the City to do to protect itself at this point.

Cronin asked what would need to happen for VASD to come back to the City for approval if the Council denies their request now.

Sayre replied Staff needs some time to see how the development agreement for the road improvements by the new high school proceeds. We need an open line of communication with VASD and a good understanding of the agreements we currently have with them. From Staff's perspective, this is not a denial, it is just putting it off for later.

Diaz asked if putting this off for a month or two will cause issues with VASD's timeline.

Kleinmaier replied VASD would rather have this approved sooner than later, however they understand that the sign would be on the City's property and would be over City utilities. We have expressed to VASD some concerns regarding the administration of the development agreement for the infrastructure project. The Council could table any action tonight, and there would still be time to get the sign up before school starts.

Diaz asked if VASD could still sue us if we damaged their sign.

Kleinmaier stated you can always sue someone. In light of some of the administrative issues with the road project, Staff has some concerns about the fact that the sign is over the City's facilities.

Kemp stated sometimes the worst decisions are the ones that are made in haste. There is no real reason to vote on this tonight. He is inclined to submit a motion to the Council to table this item to give Staff time to do some more work on this.

Ryan asked if there is an alternate location for the sign that would not be on City property.

Sayre replied that has been discussed. VASD would like to see the sign placed on West Verona Avenue to provide more visibility. Other potential locations are not ideal from a visibility standpoint.

Kemp stated we need to exercise caution in this case. He would be inclined to get some more assurances from the district before moving forward.

Motion by Kemp, seconded by Ryan, to table action on the property use agreement with the Verona Area School District. On roll call: Alder Ryan – Aye; Alder Jerney – Aye; Alder Kemp – Aye; Alder Kohl – Aye; Alder Posey – Aye; Alder Reekie – Aye; Alder Touchett – Aye; Alder Cronin – Aye. Motion carried 8-0.

- I. Discussion and Possible Action Re: Resuming in-person meetings and requirements for virtual meetings. With the implementation of the Forward Dane plan, Staff is requesting feedback from the Common Council as to when to start in-person Council and Committee meetings. Presently Staff has scheduled virtual meetings for the week of June 1st. Social distancing and precautions would be required for in-person meetings. Staff examined the Council Chambers and determined the placement of Alders and Staff to allow for required social distancing. He is concerned about holding closed sessions virtually. They may have to be done in person. Staff is requesting feedback from the Council regarding whether the City should resume in-person meetings, or continue holding virtual meetings.

Kohl would like to continue doing Zoom Webinars as long as possible. It seems to have been working very well.

Jerney agrees with Kohl, and suggests continuing the Zoom meetings.

Touchett recommends continuing Zoom meetings, as well.

Kemp stated people need to take all the precautions they can at this time, and recommends continuing Zoom meetings.

Sayre stated he will continue to place this item on each meeting's agenda, and will plan on holding meetings virtually until further notice.

11. Adjournment:

Motion by Touchett, seconded by Reekie, to adjourn at 8:16 p.m. Motion carried 8-0.

Ellen Clark
City Clerk